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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

IN RE: TFT-LCD (FLAT PANEL)  
ANTITRUST LITIGATION

CASE NO. 3: 07-md-1827 SI  
MDL NO. 1827

This Document Relates To:

State of New York v. AU Optronics Corp., et al.,  
3:11-cv-711 SI

**STIPULATION AND ~~[PROPOSED]~~  
ORDER**

**The Honorable Susan J. Illston**

WHEREAS on September 21, 2010, defendants<sup>1</sup> submitted to the Southern District of New York its Notice of Motion to Stay Proceedings, Docket Number 14 (“Stay Motion”), asking that court

<sup>1</sup> Here, defendants are AU Optronics Corporation, AU Optronics Corporation America, Chi Mei Optoelectronics USA, Inc., Chimei Innolux Corporation (f/k/a Chi Mei Optoelectronics Corporation), CMO Japan Ltd., Hitachi, Ltd., Hitachi Displays, Ltd., Hitachi Electronic Devices (USA), Inc., LG Display Co., Ltd., LG Display America, Inc., Samsung Semiconductor, Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Sharp Corporation, Sharp Electronics Corporation, Toshiba Corporation, Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., and Toshiba Mobile Display Co., Ltd., f/k/a Toshiba Matsushita Display Technology Co.

1 to stay the State of New York's litigation pending the Judicial Panel on Multidistrict Litigation's  
2 ("JPML") decision on whether to transfer this case as a tag-along action to the ongoing consolidated  
3 proceedings before this Court;

4 WHEREAS, before the Southern District of New York ruled on the motion, the JPML  
5 decided to transfer this case to this Court for inclusion in the coordinated pretrial proceedings already  
6 in progress. See Transfer Order (Dkt. No. 2405);

7 WHEREAS, the parties agree that because this case has already been transferred to the MDL  
8 litigation, the Stay Motion's request to stay the case pending transfer to the MDL is moot;

9 WHEREAS, on September 22, 2010, the State of New York filed its motion to remand this  
10 action to New York state court ("Remand Motion"), defendants timely opposed the Remand Motion,  
11 and the Remand Motion is now fully briefed;

12 WHEREAS, on March 15, 2011, the State of New York filed an Amended Complaint in the  
13 above-captioned case (Dkt. No. 2556), and the Amended Complaint asserts claims under federal law;

14 WHEREAS, the State of New York no longer wishes to remand this action to New York state  
15 court and defendants agree that this action should not be remanded, and therefore the parties agree  
16 that the Remand Motion is moot; and

17 WHEREAS, the parties have agreed that an orderly schedule for the response to the Amended  
18 Complaint would be most efficient for the parties and for the Court;

19 THEREFORE, the State of New York and defendants hereby agree:  
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1. The Stay Motion should be withdrawn as moot.
2. The Remand Motion should be withdrawn as moot.
3. The briefing for defendants' responses to the Amended Complaint should be as follows:
  - (a) Defendants' responses to the Amended Complaint shall be due on May 5, 2011.
  - (b) Plaintiff's opposition shall be due on June 21, 2011.
  - (c) Defendants' replies shall be due on July 13, 2011.
4. Except as set forth above, all Federal and Local Rules shall remain in effect with respect to the pleadings and the briefing on the motions. Entering into this stipulation does not constitute a waiver of any defense, including under Federal Rule of Civil Procedure 12.
5. The parties respectfully request the Court to enter this stipulation as an order.

IT IS SO STIPULATED.

DATED: March 21, 2011

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Attestation: The filer of this document attests that the concurrence of the other signatories thereto has been obtained.

SO ORDERED



Honorable Susan J. Illston

3/22/11

Date Entered